

281D-CV-2920766-Elyria

11/22/2019

Affidavit

I, Casey T Carty, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Cleveland Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since April 2004, and am currently assigned to the FBI's Cleveland Division. While employed by the FBI, I have conducted investigations of numerous federal criminal offenses including white collar crimes, crimes against children, violent crimes and narcotics offenses. I have gained experience through training at the FBI Academy and everyday work related to these types of investigations.
2. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.
3. This affidavit is being submitted for the limited purpose of establishing probable cause that Perry E. Wells Jr, age 23, and Terrence J. McNeil Jr, age 22, both of Elyria, OH, have violated Title 21 U.S.C. Section 846 [Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances]; Title 21 U.S.C. Section 841(a)(1) [distribution of controlled substances and possession with intent to distribute controlled substances]; Title 18 U.S.C. Section 924(c) [use of a firearm in connection with a drug trafficking offense]; additionally, this affidavit will establish probable cause that Wells has violated Title 18 U.S.C. Section 922(g) [possession of a firearm by a prohibited person]. The statements contained in this affidavit are derived from information provided to me by members of the Elyria Police Department (EPD) as well as my own investigation of this matter. This affidavit does not include every fact known to me regarding this investigation, but will seek to summarize relevant information.

Probable Cause

281D-CV-2920766-Elyria

11/22/2019

4. In November 2019 your Affiant, along with members of the Elyria Police Department (EPD) Narcotics Bureau, began a drug investigation of alleged drug trafficking involving Perry E. Wells Jr of Elyria. Information was developed indicating that Wells was selling heroin and fentanyl from an apartment located at 1864 Middle Ave, Apt G, Elyria, OH.
5. A Confidential Informant (CI) was cultivated who was able to buy heroin and fentanyl from Wells. In November 2019 the CI, acting under the direction and supervision of law enforcement, conducted multiple controlled purchases of narcotics from Wells in the area of 1864 Middle Ave, Apt G. In each instance, prior to the controlled buy, the CI was searched by law enforcement, provided with photographed buy money, and a covert audio/video recording device. In each instance, the covert audio/video recording of the buy corroborated the CI's account of the details of the controlled buy. Additionally, on one occasion in November 2019, the CI contacted Wells to arrange for a controlled purchase of narcotics from him. The CI travelled to the area of 1864 Middle Ave, Apt G, and was met outside the apartment building by Terrence J. McNeil Jr. McNeil asked the CI if the CI was there to meet "P Wells", and proceeded to sell narcotics to the CI. The narcotics purchased from Wells and McNeil in the above-described controlled purchases all field tested positive for the presence of fentanyl.
6. Based on the controlled purchases of narcotics from Wells and McNeil, EPD Detectives obtained a search warrant issued by the Lorain County Court of Common Pleas authorizing a search of 1864 Middle Ave, Apt G, Elyria, OH. The warrant authorized a search of the premises for, among other things, weapons, narcotics, drug paraphernalia and cash. On 11/22/2019 this search warrant was executed by EPD personnel and I. Wells and McNeil were located inside the apartment, along with two adult females, a juvenile male and an infant.
7. During the search of the apartment, several items of evidence were located. These items included a loaded Taurus Model 709 9mm handgun bearing serial number TJZ22426; a Hi Point Model CF380,

281D-CV-2920766-Elyria

11/22/2019

- .380 caliber handgun with an apparently obliterated serial number; a baggie containing approximately 3 grams of a substance which field tested positive as cocaine; a scale of the type commonly used by drug traffickers; and \$1729 in cash. The Taurus pistol was located on a nightstand directly beside Wells' Ohio driver's license.
8. Wells and McNeil were arrested by EPD on drug charges and transported back to EPD. Both Wells and McNeil were advised of their rights pursuant to *Miranda* by EPD Detectives at the apartment, and again advised of their rights after they arrived back at EPD. Both subjects advised they understood their rights, and agreed to speak with Detectives.
 9. In summary, Wells admitted to selling heroin, crack cocaine and marijuana to at least four customers, and took ownership of the Hi Point .380 caliber pistol located in the apartment. In addition, Wells admitted to having previously handled not only the Hi Point but also the Taurus pistol. He acknowledged that he was a convicted felon and was not legally permitted to possess a firearm.
 10. In summary, McNeil admitted to selling marijuana in the past, and to having provided small, folded up pieces of paper to people in the area of his apartment at Wells' direction. McNeil admitted ownership of one of the pistols in the apartment, and acknowledged that Wells is a convicted felon and cannot possess a firearm.
 11. I have reviewed the online records of the Lorain County Court of Common Pleas and learned that Perry E. Wells Jr has multiple felony convictions. On March 6, 2018, in case number 17CR096230, Wells was sentenced after having pleaded guilty to multiple counts of trafficking in drugs, a felony of the fourth degree. On February 16, 2016, in case numbers 15CR092892, 15CR092044, and 15CR091184, Wells was sentenced after having pleaded guilty to multiple counts including possession of drugs, a felony of the fourth degree; trafficking in drugs, a felony of the fifth degree;

281D-CV-2920766-Elyria

11/22/2019

and receiving stolen property, a felony of the fourth degree. Based on these felony convictions, Wells is legally prohibited from possessing a firearm.

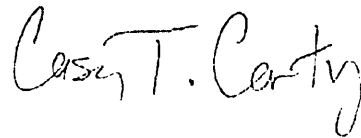
12. Based on my experience in multiple cases involving Taurus firearms, I know that Taurus pistols are manufactured in Brazil. On November 22, 2019, I contacted Taurus's Customer Service line and confirmed that the Taurus pistol bearing serial number TJZ22426 was manufactured in Brazil. In addition, the words "Made in Brazil" are stamped along the slide of the weapon. Based on these facts, I believe that the Taurus pistol described above in Paragraph 7 did travel in interstate commerce.

281D-CV-2920766-Elyria

11/22/2019

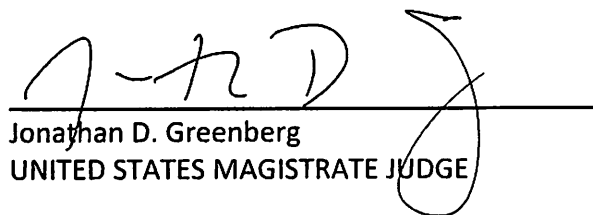
Conclusion

13. Based on the preceding, I believe that probable cause exists to believe that Perry E. Wells Jr, age 23, and Terrence J. McNeil Jr, age 22, both of Elyria, OH, have violated Title 21 U.S.C. Section 846 [Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances]; Title 21 U.S.C. Section 841(a)(1) [distribution of controlled substances and possession with intent to distribute controlled substances]; Title 18 U.S.C. Section 924(c) [use of a firearm in connection with a drug trafficking offense]; additionally, probable cause exists to believe that Wells has violated Title 18 U.S.C. Section 922(g) [possession of a firearm by a prohibited person].



Casey T. Carty
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me this 22 day of November, 2019 via telephone after submission by reliable electronic means. Fed. R. Crim. P. 4.1; 41(D)(3).



Jonathan D. Greenberg
UNITED STATES MAGISTRATE JUDGE